

# MINUTE ORDER

CASE NUMBER: CIVIL NO. 19-00505 LEK-KJM

CASE NAME: Impact Environments, Inc. et al., vs. David Boland, Inc. Et al.,

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JUDGE: Leslie E. Kobayashi

DATE: 12/23/2019

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COURT ACTION: EO: COURT ORDER: DEEMING WITHDRAWN  
DEFENDANTS' MOTION TO DISMISS COMPLAINT

On November 14, 2019, Defendants David Boland, Inc. and Western Surety Company (“Defendants”) filed a Motion to Dismiss (“Motion”). [Dkt. no. 15.] On November 19, 2019, the Court issued an entering order directing counsel for Defendants and counsel for Plaintiffs the United States for the use and benefit of Impact Environments, Inc. and John Devon DePaulis (collectively “Plaintiffs”) to meet and confer to discuss whether they would stipulate to allow Plaintiffs to file a second amended complaint. [Dkt. no. 19.] Defendants’ counsel submitted a joint status letter, dated December 16, 2019, representing to the Court that the parties have agreed to so stipulate. [Dkt. no. 34.] In light of the parties’ agreement, Defendants’ Motion is HEREBY DEEMED WITHDRAWN AND TERMINATED. The withdrawal of the Motion is WITHOUT PREJUDICE to Defendants filing a new motion to dismiss addressing the second amended complaint.

Plaintiffs are DIRECTED to file their second amended complaint by **January 30, 2020**. If Plaintiffs elect not to file a second amended complaint, Defendants have leave to re-file their Motion by filing a one-page notice requesting that the Court set the Motion for hearing.

IT IS SO ORDERED.

Submitted by: Agalelei Elkington, Courtroom Manager